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Implementation of the resolutions of the United Nations

The situation in the Middle East

Question of Palestine

Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources

Right of peoples to self-determination

Identical letters dated 24 August 2004 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and to the President of the Security Council

The unlawful confiscation and colonization of the Palestinian land by Israel, the occupying Power, continues unabated and has escalated at an alarming rate during the current period. In recent days and during past weeks, the Israeli government has made several announcements regarding its intention and actual plans to expand illegal settlements in the Occupied Palestinian Territory, particularly settlements that have been constructed in and around Occupied East Jerusalem.

A few weeks ago, the Israeli government approved the construction of another 600 housing units in the "Maale Adumim" settlement, located east of Jerusalem and the largest Israeli settlement in the West Bank, and declared plans to establish a new settlement of thousands of units in an area north of Jerusalem in order to connect these areas with the "Maale Adumim" settlement. Now Israeli officials have announced plans for expansion of even more settlements in the Occupied Palestinian Territory. Last week, Prime Minister Sharon issued tenders for the building of 1,001 settlement units and announcements were made regarding plans to issue tenders for 633 more units. The occupying Power also declared yesterday that it was "rezoning" land for another 533 settlement units in the Jerusalem area, bringing just this week's

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total for planned expansion to an additional 2,167 settlement units in the Occupied Palestinian Territory, including East Jerusalem.

All such Israeli settlement policies and practices are being carried out in flagrant and grave violation of international law, particularly the Fourth Geneva Convention. This fact was recently confirmed by the justices of the International Court of Justice in the Advisory Opinion of 9 July 2004, which determined, inter alia, that the Israeli settlements have been established in breach of international law. Indeed, article 49 of the Fourth Geneva Convention, the applicability of which has been reaffirmed by the Security Council in 27 resolutions and by the International Court of Justice as well, unambiguously stipulates that "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". Moreover, article 85 (4) of Protocol I Additional to the Geneva Conventions regards the transfer by the occupying Power of parts of its own civilian population into the territory that it occupies as a grave breach, and article 8 (b) (viii) of the Rome Statute of the International Criminal Court considers it to be a war crime.

Yet, throughout its 37-year occupation of the Palestinian land, Israel has ignored and violated international law by all means and methods, including by deliberately and relentlessly carrying out its colonial settlement campaign. This unlawful Israeli colonization has involved the confiscation of thousands upon thousands of dunums of Palestinian land, the building of more than 150 settlements, the building of a vast and intricate network of bypass roads for exclusive use by the illegal armed Israeli settlers, the establishment of more than 100 settler "outposts" and the transfer of more than 430,000 settlers to the Occupied Palestinian Territory, including East Jerusalem.

As mentioned in my previous letters, and as concluded by the International Court of Justice, the unlawful construction of the Wall by Israel, the occupying Power, is intricately related to this unlawful colonial settlement campaign in the Occupied Palestinian Territory, including East Jerusalem. Indeed, the Wall is part and parcel of Israel's settlement campaign, which is aimed at the colonization and de facto annexation of the Palestinian land. These illegal practices are preventing the realization of the inalienable national rights of the Palestinian people, including their right to self-determination in their independent State of Palestine. Moreover, such illegal policies and practices violate the Road Map, which specifically calls upon Israel, consistent with the Mitchell Report, to freeze all settlement activity, including natural growth of settlements, in addition to the immediate dismantlement of settlement outposts erected since March 2001. In fact, Israel's settlement activities actually negate the essence of the Road Map and seriously undermine the potential for any peace settlement.

It is the height of hypocrisy for any party, especially a member of the Quartet, to condone such policies and at the same time claim adherence to the Road Map. In this regard, reports of acquiescence by the United States administration for the expansion and building of more settlement units are extremely disturbing. The members of the Quartet are called upon to make their position clear by either reiterating the demand for the complete and immediate cessation of all such Israeli policies and practices or by confronting the reality of Israel's blatant refusal to uphold its commitments under the Road Map and to adhere to international law. Providing cover for illegal Israeli activities that effectively destroy the Road Map is

not a sustainable strategy. It is time to face the truth about this deplorable situation and come up with real solutions. Pretending there is a peace process and a Road Map, while Israel simultaneously carries out actions on the ground to ensure they never come to fruition, makes a mockery of these peace initiatives and all who support them. A clear position, based on international law and Security Council resolutions and consistent with the Advisory Opinion of the International Court of Justice, is imperative for any prospect for peace to be salvaged.

In this regard, all Israeli settlement activities and its construction of the Wall in the Occupied Palestinian Territory, including East Jerusalem, must be condemned and firmly opposed by the international community. The cessation of these unlawful policies and practices would clearly be instrumental, and are in fact necessary, with regard to the efforts to resume peace negotiations between the two sides towards a final settlement of this protracted and tragic conflict. Thus, the international community must reiterate its call upon Israel, the occupying Power, to abide by all of its legal obligations under international law, including international humanitarian law and human rights law, and must act decisively in case of continued non-compliance.

I would be grateful if you would arrange to have the text of the present letter distributed as a document of the General Assembly, under agenda items 84, 38, 37, 103, 116 and 24, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations